IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.927 of 2005

Mr. Sanjiv S Potnis . petitioner
vs
The Chief Executive Officer and ors..respdts

Mr. R.S.Apte for M.V Limaye for petitioner
Mr. R V More for respondent .nos.l to 3

CORAM: A.P.SHAH & J.H.BHATIA JJ.

Dated ll.7.2005

P.C:

. We have heard the learned counsel for the parties. Perused the affidavit filed on behalf of the respondents. It appears that in l983 the area of Ambernath Municipal Council was amalgamated in Kalyan Municipal Corporation. However, in l992 the said area of Ambernath Municipal Council was again separated from the then Kalyan Municipal Council. By notification dated l0.4.l992 villages of Pale, Jambhivali, Chikaloli and Kansai were included within the limits of Ambernath Municipal Council. So far as village Jawasai is concerned, part of it was already included in Ambernath Municipal Council prior to l983 and part was included within the limits of Ulhasnagar Municipal Corporation. By notification dated ll.ll.l993, Government of Maharashtra excluded the part of village Jawasai

from the limits of Ulhasnagar Mun Corporation and included it within the limits of Ambernath Municipal Council. So far as village Kohojkhuintvli is concerned since inception the village was within the limits of Ambernath Mun Council.

. The Ordinance Factory is an undertaking of Central Government and same is situated within the limits of village Kansai, Jawasai and Kohojkhuntvali. It appears that through inadvertence this area was not included for formation of wards in the earlier election to Ambernath Municipal Council. The Chief Executive Officer of Ambernath Mun Council in consultation with the Election Commission rectified this mistake and, therefore for the ensuing election de-limitation of wards was done taking into consideration the entire area of Ordinance Factory.

. It appears that the petitioner filed objection before the Election Commission to the inclusion of the area of Ordinance Factory in Ward Nos l4,l5 and l6. The Election Commissioner after giving an opportunity of hearing to the petitioner overruled the objection of the petitioner. There is no dispute that the area of Ordinance Factory has been

included in 56 Ambernath Legislative Assembly Constituency. The facts stated above also clearly show that the entire area has been included in Ambernath Municipal Council and, therefore, objection raised by the petitioner was rightly rejected by the Election Commissioner. Elections are already held in April 2005. Thus nothing survives in this petition. Petition is dismissed.